



Reprinted
February 26, 2004

ENGROSSED HOUSE BILL No. 1285

DIGEST OF HB 1285 (Updated February 25, 2004 5:41 pm - DI 102)

Citations Affected: IC 2-3.5; IC 5-10; IC 33-13; IC 33-14; IC 36-8; noncode.

Synopsis: Pre-retirement withdrawals; confidentiality of retirement fund member records. Requires the pension management oversight commission to study the feasibility of authorizing members of the retirement funds administered by the board of trustees of the public employees' retirement fund (PERF board) to withdraw, before retirement, a member's contributions when the member demonstrates an immediate and great financial need. Provides that individual participant records and membership information for the retirement funds administered by the PERF board are confidential.

Effective: September 1, 2003 (retroactive); upon passage.

Goodin

(SENATE SPONSORS — HARRISON, LEWIS, LONG)

January 15, 2004, read first time and referred to Committee on Labor and Employment.
January 29, 2004, reported — Do Pass.
February 2, 2004, read second time, ordered engrossed.
February 3, 2004, engrossed.
February 5, 2004, read third time, passed. Yeas 89, nays 2.

SENATE ACTION

February 10, 2004, read first time and referred to Committee on Pensions and Labor.
February 19, 2004, reported favorably — Do Pass.
February 25, 2004, read second time, amended, ordered engrossed.

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EH 1285—LS 6961/DI 102+



Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1285

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **The pension**
2 **management oversight commission established by IC 2-5-12-1 shall**
3 **examine and make recommendations regarding the feasibility of**
4 **authorizing members of the retirement funds administered by the**
5 **board of trustees of the public employees' retirement fund to**
6 **withdraw, before retirement, a member's contributions when the**
7 **member demonstrates an immediate and great financial need.**

8 (b) **The commission shall operate under the direction of the**
9 **legislative council and issue a final report when directed to do so by**
10 **the council.**

11 (c) **This SECTION expires December 31, 2005.**

12 SECTION 2. IC 2-3.5-3-4 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
14 Sec. 4. (a) The PERF board shall administer the system, which may be
15 commingled with the PERF fund for investment purposes.

16 (b) The PERF board shall:

17 (1) determine eligibility for and make payments of benefits under

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1 this chapter, IC 2-3.5-4, and IC 2-3.5-5;

2 (2) in accordance with the powers and duties granted in
3 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
4 through IC 5-10.3-5-6, administer the system; and

5 (3) provide by rule for the implementation of this chapter,
6 IC 2-3.5-4, and IC 2-3.5-5.

7 (c) A determination by the PERF board may be appealed under
8 IC 4-21.5.

9 (d) The powers and duties of:

10 (1) the director and the actuary of the PERF board;

11 (2) the treasurer of state;

12 (3) the attorney general; and

13 (4) the auditor of state;

14 with respect to the fund are those specified in IC 5-10.3-3 and
15 IC 5-10.3-4.

16 (e) The PERF board may hire additional personnel, including
17 hearing officers, to assist in the implementation of this chapter.

18 **(f) Legislators' retirement system records of individual**
19 **participants and participants' information are confidential, except**
20 **for the name and years of service of a retirement system**
21 **participant.**

22 SECTION 3. IC 5-10-5.5-3 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
24 Sec. 3. (a) The management administration of the retirement plan
25 created by this chapter is hereby vested in the board of trustees of the
26 public employees' retirement fund.

27 **(b) Records of individual participants in the retirement plan**
28 **created by this chapter and participants' information are**
29 **confidential, except for the name and years of service of a**
30 **retirement plan participant.**

31 SECTION 4. IC 33-13-8-25 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
33 Sec. 25. (a) The board of trustees of the public employees' retirement
34 fund shall administer the fund, which may be commingled with the
35 public employees' retirement fund for investment purposes.

36 (b) The board shall:

37 (1) determine eligibility for and make payments of benefits under
38 IC 33-13-9.1 and IC 33-13-10.1;

39 (2) in accordance with the powers and duties granted it in
40 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
41 through IC 5-10.3-5-6, administer the fund; and

42 (3) provide by rule for the implementation of this chapter and

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IC 33-13-9.1 and IC 33-13-10.1.

(c) A determination by the board may be appealed under the procedures in IC 4-21.5.

(d) The powers and duties of the director and the actuary of the board, the treasurer of state, the attorney general, and the auditor of state, with respect to the fund, are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 5. IC 33-14-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]: Sec. 10. (a) The board shall administer the fund, which may be commingled with the public employees' retirement fund for investment purposes.

(b) The board shall do the following:

(1) Determine eligibility for and make payments of benefits under this chapter.

(2) In accordance with the powers and duties granted the board in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund.

(3) Provide by rule for the implementation of this chapter.

(c) A determination by the board may be appealed under IC 4-21.5.

(d) The powers and duties of:

(1) the director and the actuary of the board;

(2) the treasurer of state;

(3) the attorney general; and

(4) the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 6. IC 36-8-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]: Sec. 5. (a) The PERF board shall:

(1) determine eligibility for and make payments of benefits, except as provided in section 12 of this chapter;

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(2) in accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the 1977 fund; and

(3) provide by rule for the implementation of this chapter.

(b) A determination by the PERF board may be appealed under the procedures in IC 4-21.5.

(c) The powers and duties of the director and the actuary of the PERF board, the treasurer of state, the attorney general, and the auditor of state, with respect to the 1977 fund, are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(d) The PERF board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(e) The 1977 fund records of individual members and membership information are confidential, except for the name and years of service of a 1977 fund member.

SECTION 7. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1285, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LIGGETT, Chair

Committee Vote: yeas 10, nays 0.

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EH 1285—LS 6961/DI 102+



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1285 as printed January 30, 2004.)

HARRISON, Chairperson

Committee Vote: Yeas 8, Nays 0.

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EH 1285—LS 6961/DI 102+



SENATE MOTION

Madam President: I move that Senator Long be added as cosponsor of Engrossed House Bill 1285.

HARRISON

SENATE MOTION

Madam President: I move that Engrossed House Bill 1285 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
"SECTION 1. [EFFECTIVE UPON PASSAGE] (a) The pension management oversight commission established by IC 2-5-12-1 shall examine and make recommendations regarding the feasibility of authorizing members of the retirement funds administered by the board of trustees of the public employees' retirement fund to withdraw, before retirement, a member's contributions when the member demonstrates an immediate and great financial need.

(b) The commission shall operate under the direction of the legislative council and issue a final report when directed to do so by the council.

(c) This SECTION expires December 31, 2005.

SECTION 2. IC 2-3.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
 Sec. 4. (a) The PERF board shall administer the system, which may be commingled with the PERF fund for investment purposes.

(b) The PERF board shall:

- (1) determine eligibility for and make payments of benefits under this chapter, IC 2-3.5-4, and IC 2-3.5-5;
- (2) in accordance with the powers and duties granted in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the system; and
- (3) provide by rule for the implementation of this chapter, IC 2-3.5-4, and IC 2-3.5-5.

(c) A determination by the PERF board may be appealed under IC 4-21.5.

(d) The powers and duties of:

- (1) the director and the actuary of the PERF board;
- (2) the treasurer of state;
- (3) the attorney general; and
- (4) the auditor of state;

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with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The PERF board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Legislators' retirement system records of individual participants and participants' information are confidential, except for the name and years of service of a retirement system participant.

SECTION 3. IC 5-10-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
Sec. 3. (a) The management administration of the retirement plan created by this chapter is hereby vested in the board of trustees of the public employees' retirement fund.

(b) Records of individual participants in the retirement plan created by this chapter and participants' information are confidential, except for the name and years of service of a retirement plan participant.

SECTION 4. IC 33-13-8-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
Sec. 25. (a) The board of trustees of the public employees' retirement fund shall administer the fund, which may be commingled with the public employees' retirement fund for investment purposes.

(b) The board shall:

- (1) determine eligibility for and make payments of benefits under IC 33-13-9.1 and IC 33-13-10.1;
- (2) in accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund; and
- (3) provide by rule for the implementation of this chapter and IC 33-13-9.1 and IC 33-13-10.1.

(c) A determination by the board may be appealed under the procedures in IC 4-21.5.

(d) The powers and duties of the director and the actuary of the board, the treasurer of state, the attorney general, and the auditor of state, with respect to the fund, are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 5. IC 33-14-9-10 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
 Sec. 10. (a) The board shall administer the fund, which may be commingled with the public employees' retirement fund for investment purposes.

(b) The board shall do the following:

- (1) Determine eligibility for and make payments of benefits under this chapter.
- (2) In accordance with the powers and duties granted the board in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund.
- (3) Provide by rule for the implementation of this chapter.

(c) A determination by the board may be appealed under IC 4-21.5.

(d) The powers and duties of:

- (1) the director and the actuary of the board;
- (2) the treasurer of state;
- (3) the attorney general; and
- (4) the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 6. IC 36-8-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]: Sec. 5. (a) The PERF board shall:

- (1) determine eligibility for and make payments of benefits, except as provided in section 12 of this chapter;
- (2) in accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the 1977 fund; and
- (3) provide by rule for the implementation of this chapter.

(b) A determination by the PERF board may be appealed under the procedures in IC 4-21.5.

(c) The powers and duties of the director and the actuary of the PERF board, the treasurer of state, the attorney general, and the auditor of state, with respect to the 1977 fund, are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(d) The PERF board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(e) The 1977 fund records of individual members and

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membership information are confidential, except for the name and years of service of a 1977 fund member.

SECTION 7. An emergency is declared for this act."

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1285 as printed February 20, 2004.)

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